

Image

03-11-04

1636



446.001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: : K. Katcheves  
LALANNE et al :  
Serial No.: 09/786,880 : Group: 1636  
Filed: June 1, 2001 :  
For: ESSENTIAL GENES...SAID GENES :

475 Park Avenue South  
New York, N.Y. 10016  
March 10, 2004

**RESPONSE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Sir:

Responsive to the office action of February 12, 2004, Applicants request  
reconsideration of this application is requested in view of the remarks presented herein.

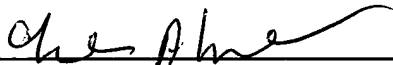
The claims in the application are claims 1 to 43, no other claims having been  
presented.

With respect to the Examiner's objection to the last response as not being correct  
in view of the fact that there is no marked up copy of the replacement pages, Applicants  
call to the Examiner's attention that in addition to the substitute specification, there was a  
marked up copy of the original specification filed as well as can be seen from the copy of  
the return receipt card submitted herewith. If the Patent Office has lost the same, please  
let the undersigned know and he will provide another copy.

With respect to the Examiner's objection that Applicants did not elect a corresponding sequence ID number for examination, Applicants confirm the fact that they selected with traverse the gene CaNL 56 and SEQ ID No: 2 corresponds to this gene. With respect to the objection that the claims submitted on November 5, 2003 did not comply with the new revised amendment format, there were no claims amended with the response of November 5, 2003 although, there was a marked up copy of the original claims submitted with the marked up copy of the original specification. The only amendment to the claims was the amendment to claim 1 as of August 6, 2001 which corresponded to the rules in force at that time. Therefore, the Examiner's allegation that the amendment to the claims did not correspond to the rules is an incorrect statement.

In view of the above remarks, it is believed that the response of November 5, 2003 fully complied with the rules and an examination of the case on merits is requested.

Respectfully submitted,  
Muserlian, Lucas and Mercanti

  
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CAM:ds  
Enclosures



446.001

November 05 2003

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In re Application of: LALANNE et al

Serial No.: 09/786,880

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Received: Response (.3 pages)

Copy of notice from PTO (1 page)

Sequence Listing Diskette

Paper Sequence Listing

Substitute Specification

Marked up copy of original specification

Extension Request (1 page)

PTO Form-2038 (1 page)